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BUTCH TONGATE
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Designate

J.C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 3, 2017

Ray P. Sanchez, Owner
Ray's Septic Pumping
5004 Cerritos Avenue SW
Los Lunas, NM 87031

RE: Draft Discharge Permit Renewal, DP-549, Ray's Septic Pumping

Dear Mr. Sanchez:

Notice is hereby given pursuant to Subsection H of 20.6.2.3108 NMAC that Ground Water Discharge Permit DP-549, Ray's Septic Pumping, has been proposed for approval (copy enclosed). The New Mexico Environment Department (NMED) will publish notice of the availability of the draft Discharge Permit in the near future and will forward a copy of the notice to you.

Prior to making a final ruling on the proposed Discharge Permit, NMED will allow 30 days from the date the public notice is published during which time written comments can be submitted and/or a public hearing requested. Comments and/or hearing requests may be submitted by any interested person, including the Discharge Permit applicant. Written comments and/or hearing requests must be submitted to the Ground Water Quality Bureau at the address above and shall set forth the reasons why a hearing is requested. A hearing will be held only if hearing requests are received from the public and/or the Discharge Permit applicant during the 30-day comment period and NMED determines there is substantial public interest in the proposed Discharge Permit. Hearings are presided over by the NMED Secretary or a hearing officer appointed by the Secretary.

Please review the enclosed draft Discharge Permit carefully for accuracy and completeness, and to make sure you understand what it requires.

Ray P. Sanchez, DP-549

March 3, 2017

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A copy of the Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC, is available at <http://www.nmcpr.state.nm.us/nmac/title20/T20C006.htm>.

If you have any comments, questions, or concerns, please contact me at (505) 827-2949. If written comments and/or a written request for hearing are not received during the public comment period, the draft Discharge Permit will become final. The term of the final Discharge Permit shall not exceed five years in accordance with the Water Quality Act and the WQCC Regulations. Thank you for your cooperation during the review process.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kellie Jones', with a stylized flourish at the end.

Kellie Jones
Environmental Scientist

enc: Draft Discharge Permit Renewal, DP-549

cc: Bill Chavez, District Manager, NMED District I (permit) – Electronic Transmittal

GROUND WATER DISCHARGE PERMIT RENEWAL

Ray's Septic Pumping Discharge Permit 549

Effective Date: DRAFT

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-549, to Ray P. Sanchez (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Ray's Septic Pumping (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health.

In issuing this Discharge Permit, NMED has determined that the requirements of 20.6.2.3109.C NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 8,000 gallons per day (gpd) of domestic septage and sludge is discharged to 15 unlined, shallow surface cells, of approximately ½ acre each, for disposal by evaporation. The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC and/or the presence of toxic pollutants as defined in Subsection WW of 20.6.2.7 NMAC.

The facility is located approximately 10 miles west of Los Lunas in the San Clemente Grant, Section 36 (projected), T07N, R01W, Valencia County. Groundwater most likely to be affected is at a depth of approximately 470 feet and has a total dissolved solids (TDS) concentration of approximately 500 milligrams per liter.

The original Discharge Permit was issued on June 3, 1988 and subsequently renewed on October 3, 1991, April 18, 2003, and November 4, 2010. The application (i.e., discharge plan) consists of the materials submitted by Ray P. Sanchez dated April 22, 2016 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent

requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality. Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state, and/or local laws, regulations, zoning requirements, and nuisance ordinances. Also, this approval does not relieve you of liability should your operation result in actual pollution of ground or surface waters.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation	Abbreviation	Explanation
gpd	gallons per day	SDDS	Surface Disposal Data Sheet
mg/L	milligrams per liter	TDS	total dissolved solids
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission
NMSA	New Mexico Statutes Annotated		

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 8,000 gpd of domestic septage and sludge to 15 unlined, shallow surface cells, of approximately ½ acre each, for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
3.	<p>The permittee shall post the following signs at the following locations.</p> <ul style="list-style-type: none"> • Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR" posted at the facility entrance, four 4' x 8' signs posted at each corner of the facility boundary, and four 2' x 4' signs posted at the center of each side of the facility boundary. • A sign with the name of the facility's contact person, office phone number of the contact person, emergency contact phone number for the facility, and physical location of the facility including township, range, and section(s) posted at the entrance gate. • A sign to identify each cell by number and the waste type authorized to be discharged in the cell. All signs shall be weatherproof and posted at the boundary of the cells to facilitate a rotational disposal schedule as required in conditions below. <p>All signs shall remain legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
4.	To prevent run-on and run-off from a storm event, the permittee shall maintain a minimum 24-inch earthen berm surrounding the perimeter of the facility. The berm shall be inspected on a regular basis and after any major rainfall event and repaired as necessary. In place of a berm across the facility entrance, the permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion bar trenches parallel to and on each side of the facility entrance gate.

#	Terms and Conditions
	[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]
5.	<p>The permittee shall maintain fences around the entire surface disposal facility to prevent unrestricted access. A minimum of a three-strand barb wire fence and locked gate shall surround the facility.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>The permittee shall incorporate septage into the soil by disking within six hours following surface disposal. Ponding of septage shall be minimized. Treatment and disposal of domestic septage shall be in accordance with requirements set forth in 40 CFR Part 503.</p> <p>[20.6.2.3109 NMAC, 74-6-5 WQA]</p>
7.	<p>The permittee shall screen the domestic septage through a $\frac{3}{4}$-inch or smaller mesh screen prior to discharge to the surface disposal cells. Debris retained by the screen shall be placed in an onsite container and will be disposed of in accordance with all local, state, and federal regulations.</p> <p>[20.6.2.3109 NMAC]</p>
8.	<p>The permittee shall inspect the site weekly and collect any residual solid waste (trash) on the facility site. The collected materials shall be disposed of in a manner consistent with local, state, and federal solid waste disposal regulations.</p> <p>[20.6.2.3109 NMAC]</p>
9.	<p>The permittee shall not discharge domestic septage during periods of precipitation, low evaporation, or when surface soils are frozen or saturated, but may store septage in tanker trucks during periods of precipitation, low evaporation, or when surface soils are frozen or saturated.</p> <p>[20.6.2.3109 NMAC]</p>
10.	<p>The permittee shall monitor the odor and visual appearance of each waste load to ensure that only domestic septage is collected. Each driver and/or site attendant shall be educated on the types of waste that are allowed to be disposed, and shall be instructed to reject inappropriate waste. The permittee shall only accept domestic septage during established business hours.</p> <p>[20.6.2.3107 NMAC, 20.6.2.3109 NMAC]</p>
11.	<p>The amount of total nitrogen applied from domestic septage and sludge shall not exceed 200 pounds per acre per year.</p> <p>Subsection C of 20.6.2.3109 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
12.	<p>The permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents.</p> <ul style="list-style-type: none"> a) American Public Health Association, <i>Standard Methods for the Examination of Water and Wastewater</i> (18th, 19th, or current); b) U.S. Environmental Protection Agency, <i>Methods for Chemical Analysis of Water and Waste</i>; c) U.S. Geological Survey, <i>Techniques for Water Resource Investigations of the U.S. Geological Survey</i>; d) American Society for Testing and Materials, <i>Annual Book of ASTM Standards, Part 31. Water</i>; e) U.S. Geological Survey, et al., <i>National Handbook of Recommended Methods for Water Data Acquisition</i>; f) <i>Federal Register</i>, latest methods published for monitoring pursuant to Resource Conservation and Recovery Act regulations; g) <i>Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; Part 3. Chemical Methods</i>, American Society of Agronomy. <p>[Subsection B of 20.6.2.3107 NMAC]</p>
14.	<p>The permittee shall submit semi-annual monitoring reports to NMED for the most recently completed semi-annual period by the 1st of February and August each year.</p> <p>Semi-annual monitoring shall be performed during the following periods:</p> <ul style="list-style-type: none"> • January 1st through June 30th (first half) – report due by August 1st; and • July 1st through December 31st (second half) – report due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>
15.	<p>The permittee shall create a manifest for each load of waste received. The manifest shall record the following information:</p> <ul style="list-style-type: none"> • name of the hauling company; • date of receipt; • name and address of the waste origin; • type of waste or description of contamination; • volume of waste;

#	Terms and Conditions
	<ul style="list-style-type: none"> • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • disposal location (cell number and location within the cell). <p>Copies of each manifest created during the reporting period shall be submitted with the associated semi-annual monitoring report.</p> <p>[20.6.2.3107 NMAC] [NMSA 74-6-5.E]</p>
16.	<p>The permittee shall maintain additional manifest information for each load of domestic septage to document vector attraction reduction requirements. The manifest shall include the time of disposal of septage into the surface disposal cell, the surface disposal cell identifier, and the time of incorporation into the soil. All manifests for the disposal of domestic septage shall be signed by the permittee and contain the following language:</p> <p><i>"I certify, under penalty of law, that the prescribed groundwater protection, vector attraction reduction, and pathogen reduction requirements have been met. This determination has been made under my direction and supervision in accordance with the prescribed procedures. I am aware that there are significant penalties for false certification including the possibility of fines and imprisonment."</i></p> <p>Such manifests shall be maintained by the permittee at a location accessible during a facility inspection by NMED and shall be made available to the department upon request.</p> <p>[20.6.2.3107 NMAC, 74-6-5 WQA]</p>
17.	<p>The permittee shall submit a Surface Disposal Data Sheet (SDDS) to document the amount of nitrogen applied to the surface disposal cells. The SDDS shall reflect the volume of septage discharged to the surface disposal cells and the total nitrogen load determined from either of the following methods:</p> <p>(1) An assumed total nitrogen concentration of 600 milligrams per liter based on average characteristics of septage (Guide to Septage Treatment and Disposal, EPA/625/R-94-002); or</p> <p>2) A total nitrogen value derived from the laboratory analysis of a composite sample from a minimum of six waste loads using a sampling protocol pre-approved by NMED.</p> <p>Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. The SDDS or a statement that no surface disposal occurred shall be submitted to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
18.	<p>In the event that groundwater standards are violated during the term of this Discharge Permit, upon closure of the facility, or during the implementation of post-closure requirements, the permittee shall submit to NMED a corrective action plan that proposes measures to mitigate damage from the discharge including, at a minimum, source control measures and an implementation schedule. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC if the corrective action plan will not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of groundwater contamination.</p> <p>[20.6.2.1203 NMAC, 20.6.2.4105.A(8) NMAC]</p>
19.	<p>In the event that the SDDS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the disposal fields by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
20.	<p>In the event that a release (spill) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. The name and address of the facility. The date, time, location, and duration of the unauthorized discharge. The source and cause of unauthorized discharge. A description of the unauthorized discharge, including its estimated chemical composition. The estimated volume of the unauthorized discharge. Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p>

#	Terms and Conditions
	<p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
21.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
22.	<p>Upon closure of the facility, the permittee shall perform the following closure measures for the surface disposal cells:</p> <ul style="list-style-type: none"> a. Re-grade the area to match surrounding landscape contours. b. Re-seed the surface disposal cells with native grasses. c. Following final grading and re-seeding of the site, the permittee shall maintain the perimeter fencing and security gate for a minimum of three years to prevent unauthorized access.

#	Terms and Conditions
	<p>When all closure requirements have been met, the permittee may request to terminate the Discharge Permit.</p> <p>[20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
23.	<p>RECORD KEEPING - The permittee shall maintain a written record of the following information:</p> <ul style="list-style-type: none"> • information and data used to complete the application for this Discharge Permit; • any releases (spills) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bearing the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • copies of construction records (well logs) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location, and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and

#	Terms and Conditions
	<ul style="list-style-type: none"> o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection, or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
24.	<p>INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
25.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
26.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
27.	<p>PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
28.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
29.	<p>CRIMINAL PENALTIES - No person shall:</p> <ul style="list-style-type: none"> • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of</p>

#	Terms and Conditions
	<p>NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
30.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
31.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
32.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ul style="list-style-type: none"> • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
33.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p>

#	Terms and Conditions
	<p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

V. PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]

TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department